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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald E. Weder

DOCKET NO.: 8404.047

Application No.: Not Yet Assigned

Art Unit: 3644

Filed: Herewith

Examiner: J. Nelson

For: FLORAL SLEEVE HAVING AN ARCUATE UPPER END

Box PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ Form PTO-1449 (Modified)
3. ☒ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☒ Copies of Listed Information Items Accompanying this Statement
6. ☒ Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449 (Modified)

[X] A completed Form PTO 1449 (Modified) is attached hereto.

Section 3. Statement as to Information Not Found in Patents or Publications (Information Not Listed in Form PTO-1449)

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
4. Polymer film and waxed tissue paper.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/437,151, filed on May 13, 2003 (date).

(complete the following, if applicable)

- [] This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. _____, filed on _____ (date).

The references that were submitted to, and/or cited by, the Office in the prior application(s) are not required to be provided in this application; however, the prior art references listed below were not cited previously in the prior application(s) and copies are provided herewith:

U.S. Patent Documents: 2,688,914; 3,003,681; 3,172,796; 3,405,863; 3,804,322; 5,575,107; 6,286,255; 6,286,256; 6,345,467.

Foreign Patent Or Published Foreign Patent Application: 224,507 - Italy.

Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

☒ Exception(s) to above:

☒ Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

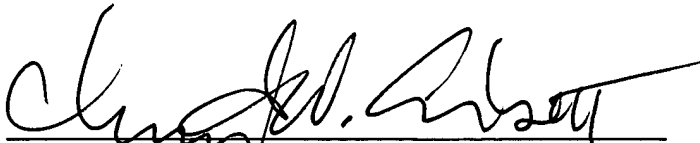
The person making this statement is the agent/attorney who signs below on the basis of the information:

☐ supplied by the inventor(s)

☐ supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).

☒ in the agent/attorney's file

Respectfully submitted,



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Date Deposited: 03/23/2004

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	DONALD E. WEDER
Group Art Unit	3644
Examiner Name	J. Nelson
Attorney Docket Number	8404.047

U. S. PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	<u>U.S. PATENT NUMBER</u> Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		524219		Schmidt	08/07/1894	
		732889		Paver	07/07/1903	
		950785		Pene	03/01/1910	
		1044260		Schloss	11/12/1912	
		1063154		Bergen	05/27/1913	
		1446563		Hughes	02/27/1923	
		1520647		Hennigan	12/23/1924	
		1525015		Weeks	02/03/1925	
		1610652		Bouchard	12/14/1926	
		1697751		Blake	01/01/1929	
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		1863216		Wordingham	06/14/1932	
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		2170147		Lane	08/22/1939	
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		2278673		Savada et al.	04/07/1942	
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		2323287		Amberg	07/06/1943	
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		2371985		Freiberg	03/20/1945	
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		2510120		Leander	06/06/1950	
		2529060		Trillich	11/07/1950	
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		2883262		Borin	04/21/1959	
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		3271922		Wallerstein et al.	09/13/1966	
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		3380646		Doyen et al.	04/30/1968	
		3405863		Kugler	10/15/1968	
		3431706		Stuck	03/11/1969	
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		3510054		Sanni et al.	05/05/1970	
		3512700		Evans et al.	05/19/1970	
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		4216620		Weder et al.	08/12/1980	
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		4265049		Gorewitz	05/05/1981	
		D259333		Charbonneau	05/26/1981	
		4280314		Stuck	07/28/1981	
		4297811		Weder	11/03/1981	
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		5428939		Weder et al.	04/04/1995	
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		5496251		Cheng	03/05/1996	

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		5496252		Gilbert	03/05/1996	
		D368025		Sekerak et al.	03/19/1996	
		5526932		Weder	06/18/1996	
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		5706605		Alzacar	01/1998	
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		6129208		Ferguson	10/10/2000	
		6129209		Tchira	10/10/2000	
		6141906		Weder	11/07/2000	
		6182395		Weder	02/2001	
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		Office 3	Number 4	Kind Code5 (if known)				
			4231978		Australia	06/21/1979		
			654427		Belgium	01/02/1965		
			1204647		Denmark	09/09/1970		
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			2036163		France	12/24/1970		
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			2272914		France	12/26/1975		
			2489126		France	03/05/1982		
			2567068		France	07/05/1984		
			2603159		France	03/04/1989		
			2610604		France*(see FN below)	08/12/1988		
			2619698		France	03/1989		
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EXAM INIT.	Cite No. 1	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Office 3	Number 4	Kind Code5 (if known)				
			345464		Germany	12/12/1921		
			513971		Germany	11/27/1930		
			1166692		Germany	03/26/1964		
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			2748626		Germany	05/03/1979		
			3445799		Germany	06/19/1986		
			3829281		Germany	05/18/1989		
			3911847		Germany	10/25/1990		
			224507		Italy	04/30/1996		
			542958		Japan	02/23/1993		
			6127555		Japan	05/10/1994		
			8-19334		Japan	01/23/1996		
			1000658		Netherlands	01/05/1996		
			8301709		Netherlands	12/1984		
			9315979		PCT	08/19/1993		
			9712819		PCT	04/10/1997		
			560532		Switzerland	04/15/1975		
			5605		United Kingdom	05/06/1885		
			2056410		United Kingdom	03/18/1981		
			2074542		United Kingdom	11/04/1981		
			2128083		United Kingdom	04/26/1984		
			2203127		United Kingdom	10/12/1988		
			2212136		United Kingdom	07/19/1989		
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FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	Foreign Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T*
		Office 3 Number 4 Kind Code5 (if known)				

U.S. and Foreign: ¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard St.3). ⁴ Form Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

PATENT DOCUMENTS

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

Speed Cover Brochure, "The Simple Solution For Those Peak Volume Periods", Highland Supply Corporation, ©1989.

"Speed Sheets and Speed Rolls" Brochure, Highland Supply Corporation, ©1990.

"Color Them Happy with Highlander Products" ©1992.

"Costa Keeps the Christmas Spirit", Supermarket Floral, September 15, 1992.

"Super Seller", Supermarket Floral, September 15, 1992.

"Halloween", Link Magazine, September 1992.

"Now More Than Ever", Supermarket Floral, September 15, 1992.

Le Plant Sac Advertisement, published prior to September 26, 1987.

"A World of Cut Flower and Pot Plant Packaging" Brochure, Klerk's Plastic Products Manufacturing, Inc., published prior to March 31, 1994, 6 pages.

Chantler & Chantler brochure showing Zipper Sleeve™ and Florasheet®, published prior to March 31, 1994, 2 pages.

"Stand Alone Plastic Bagmaking" brochure, AMI, Atlanta, GA, February 15, 1996, 2 pages.

"Foil Jackets" brochure, Custom Medallion, Inc., December, 1996, 2 pages.

"Derwent Abstract" of FR 2610604A. It is noted that the abstract is an incorrect English translation of the contents of the French patent. The French patent does not enable or disclose adhesively attaching the covering to the container. 1988.

"Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase.

"Special Occasion Printed Highlophane Bags" Brochure, Highland Supply Corporation, 1990, 2 pages.

"Creative Packaging" Brochure, John Henry Company, Sept. 1992.

"Make Highlander Your Headquarters" Brochure, Highland Supply Corporation, 1991.

WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub. Date: 08/22/2002.

Non Patent Documents: ¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

EXAM INIT.		<h2 style="text-align: center;">PATENT DOCUMENTS</h2> <p style="text-align: center;">Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published</p>
Examiner Signature:		Date Considered:
<small>EXAMINER: Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.</small>		